

Application No.: 10/652,100
Filing Date: August 28, 2003

REMARKS

The foregoing amendments and the following remarks are responsive to the November 13, 2008 Office Action (the "Office Action").

Claim Rejections:

While Applicant respectfully disagrees with the Examiner's rejections, to advance prosecution, Applicant has amended one or more claims to address the Examiner's comments. Applicant is not acquiescing to the rejections and reserves the right to pursue in a related application claims at least as broad as the amended claims prior to the amendments set forth herein. Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Prosecution History:

Claims 5, 24-31, 38-40, 53-56, 63-65, and 68-70 are canceled by this amendment. By this amendment, new dependent Claims 71-77, which depend from Claims 1, 6, or 14, are added. Additionally, new independent Claim 78 and dependent Claims 79-87 are added by this amendment.

In Applicant's reply dated July 27, 2007, Applicant, inter alia, elected with traverse the invention of Group I (Claims 1-31) for further prosecution. According to the Office Action to which the July 27, 2007 replied, Claims 1-31 are drawn to an appliance for administering a reduced pressure treatment to a wound. The claims added by this amendment are directed to Group I that was elected on July 27, 2007.

Applicant submits that no new matter is being introduced by this amendment, and that all of the newly added claims are allowable for at least the same reasons as stated below for the other pending claims, and also because they each recite further patentable distinctions.

Claim Rejections – 35 U.S.C. 102 - Claims 6, 8-11, 14, 16-21, 61-62, and 66-67:

The Examiner rejected Claims 6, 8-11, 14, 16-21, 61-62, and 66-67 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2003/0050594 ("Zamierowski"). Respectfully stated, Claims 6, 8-11, 14, 16-21, 61-62, and 66-67 are not anticipated by

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Zamierowski under 35 U.S.C. 102(e) because Zamierowski does not show every element of each claim arranged as in each claim. *See* MPEP §2131. Moreover, as discussed below Zamierowski also does not render obvious any of these claims.

Regarding Claim 6, Applicant has amended Claim 6 as discussed during the Interview to clarify the distinctions between the inventions set forth in Claim 6 and the systems disclosed in Zamierowski. In particular, Claim 6 has been amended to clarify that each of the plurality of protrusions is spaced apart from the other protrusions across an outside surface of the cover. As discussed during the interview, Applicants submit that this limitation, inter alia, is not disclosed or suggested by Zamierowski.

Regarding Claim 14, Applicant has amended Claim 14 as discussed during the Interview to clarify the distinctions between the inventions set forth in Claim 14 and the systems disclosed in Zamierowski. In particular, Claim 14 has been amended to clarify that a pressure monitor supported by the cover is positioned so as to be separate and spaced apart from the conduit so that the pressure monitor is not in contact with the conduit. As discussed during the interview, Applicants submit that this limitation, inter alia, is not disclosed or suggested by Zamierowski.

Regarding Claims 8-11, 16-21, 61-62, and 66-67, respectfully stated, these claims are not anticipated or suggested by Zamierowski for at least the same reasons as for the claim or claims from which they depend, and also because they each recite further patentable distinctions.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 6, 8-11, 14, 16-21, 61-62, and 66-67 in view of the amendments and clarifications listed above and to pass these claims to allowance.

Claim Rejections – 35 U.S.C. 103 – Claims 1-2, 5, 53-57, 59, and 63-65:

The Office Action rejected Claims 1-2, 5, 53-57, 59, and 63-65 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0108587 (“Orgill”) in view of U.S. Patent No. 5,795,584 (“Totakura”).

The Office Action states at page 8 that Claim 4 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Based on this, Applicant has amended Claim 1 to include all of the limitations of dependent

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Claim 4, and has canceled Claim 4. Applicant therefore believes that Claim 1, and all claims depending therefrom, are now in allowable form.

Additionally, Applicant has canceled Claims 5, 53-56, and 63-65. Applicant therefore believes that no further response is required for this rejection, but invites Examiner to call Applicant's representatives if Examiner determines that this response is not fully responsive to the Office Action.

Claim Rejections – 35 U.S.C. 103 – Claims 3 and 25:

The Examiner rejected Claims 3 and 25 under 35 U.S.C. 103(a) as being unpatentable over Orgill in view of Totakura and U.S. Patent Application Publication No. 2002/0065494 ("Lockwood").

Claim 25 is canceled in this amendment, and Applicant believes that Claim 3 is not unpatentable over Orgill in view of Totakura and Lockwood because Totakura and Lockwood do not overcome Orgill's failure to disclose or suggest all of the limitations set forth in Claim 1 from which Claim 3 depends (as described above), and because the additional patentable limitations set forth in Claim 3 and the limitations of Claim 1 from which Claim 3 depends would not have been obvious to one of ordinary skill in the art in view of Orgill, Totakura, and Lockwood at the time of the inventions.

Claims 24-29, 60, 64, and 68:

The Examiner rejected Claims 24-29, 60, 64, and 68 under 35 U.S.C. 103(a) as being unpatentable over Orgill in view of Totakura and U.S. Patent Application No. 2003/0014025 ("Allen").

Claims 24-29, 64, and 68 are canceled by this amendment, and Applicant believes that Claim 60 is not unpatentable over Orgill in view of Totakura and Allen because Totakura and Allen do not overcome Orgill's failure to disclose or suggest all of the limitations set forth in Claim 1 from which Claim 60 depends (as described above), and because the additional patentable limitations set forth in Claim 60 and the limitations of Claim 1 from which Claim 60 depends would not have been obvious to one of ordinary skill in the art in view of Orgill, Totakura, and Allen at the time of the inventions.

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Claims 30 and 31:

The Examiner rejected Claims 30 and 31 under 35 U.S.C. 103(a) as being unpatentable over Orgill in view of Totakura and U.S. Patent No. 7,004,915 (“Boynton”). Claims 30-31 are canceled by this amendment. Applicant therefore believes that no further response is required for this rejection, but invites Examiner to call Applicant’s representatives if Examiner determines that this response is not fully responsive to the Office Action.

Claims 7, 12-13, 15, and 22-23:

The Examiner rejected Claims 7, 12-13, 15, and 22-23 under 35 U.S.C. 103(a) as being unpatentable over Zamierowski in view of Lockwood. Respectfully stated, Claims 7, 12-13, 15, and 22-23 are not unpatentable over Zamierowski in view of Lockwood because Lockwood does not overcome Zamierowski’s failure to disclose or suggest all of the limitations set forth in the claims from which Claims 7, 12-13, 15, and 22-23 depend (described above), and because the additional patentable limitations set forth in Claims 7, 12-13, 15, and 22-23 and the limitations of the claims from they depend would not have been obvious to one of ordinary skill in the art in view of Zamierowski and Lockwood at the time of the inventions.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

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Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Serial Number	Title	Filed
11/075,020 BLSKY.013A	ENCLOSURE-BASED REDUCED PRESSURE TREATMENT SYSTEM	03/08/05
11/095,859 BLSKY.014A	ADJUSTABLE OVERLAY REDUCED PRESSURE WOUND TREATMENT SYSTEM	03/31/05
11/098,203 BLSKY.015A	REDUCED PRESSURE WOUND CUPPING TREATMENT SYSTEM	04/04/05
11/132,549 BLSKY.016A	HYPOBARIC CHAMBER TREATMENT SYSTEM	05/19/05
11/064,813 BLSKY.017A	FLEXIBLE REDUCED PRESSURE TREATMENT APPLIANCE	02/24/05
11/098,265 BLSKY.017CP1	FLEXIBLE REDUCED PRESSURE TREATMENT APPLIANCE	04/04/05
11/784,021 BLSKY.019A	INSTRUCTIONAL MEDICAL TREATMENT SYSTEM	04/05/07
12/186,424 BLSKY.024A	WOUND OVERLAY WITH CUFF FOR WOUND TREATMENT EMPLOYING REDUCED PRESSUR	08/05/08
12/375,191 BLSKY.020NP	DRESSING	01/26/09
10/575,870 SMNPH.006APC	WOUND CLEANSING APPARATUS WITH SCAFFOLD	04/17/06
11/577,642 SMNPH.011APC	SIMULTANEOUS ASPIRATE & IRRIGATE & SCAFFOLD	08/23/07
12/094,963 BLSKY.020APC	FIBROUS DRESSING	

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: Kregg A. Koch
Kregg A. Koch
Registration No. 63,035
Attorney of Record
Customer No. 20995
(310) 551-3450

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080409